IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1621 of 2005

Between:

M. Venkateshwarlu, S/o. Moti Veeraiah,
E.304162, R/o. H.No. 1-6-28, No. 2 Basthi, Elandu, Khammam District.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Khammam Region, Khammam District.
2 The Divisional Manager, APSRTC, Khammam Division, Khammam District.
3 The Depot Manager, APSRTC, Badrachalam Bus Depot, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing the proceedings dt. 4-1-1993 as illegal, arbitrary and unjust and consequently set aside the proceedings dt. 4-1-1993 issued by the 3rd Respondent.

Counsel for the Petitioner:MR.G.RAVI MOHAN

Counsel for the Respondents: SMT.P.RAJANI REDDY (Standing counsel for APSRTC).

The Court at the stage of admission made the following :

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ORDER:

Heard both the learned counsel.

The petitioner questions the order dated 04-01-1993 imposing punishment of postponement of annual increment for a period of one year, which shall have the effect of postponing the future increments. The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting an enquiry.

This court in S.K.MASTAN v. MANAGING DIRECTOR, APSRTC held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one increment without cumulative effect instead of initiating disciplinary proceedings once again, for which the respondents have no objection.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment for a period of one year, which shall not have the effect of postponing the future increments. No costs.

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K.C.BHANU, J.

Dated 04-02-2005.

skmr

..... REGISTRAR

To

1.The Regional Manager, APSRTC, Khammam Region, Khammam District.
2.The Divisional Manager, APSRTC, Khammam Division, Khammam District.
3.The Depot Manager, APSRTC, Badrachalam Bus Depot, Khammam District.

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